

1652

PATENT

Attorney Docket No:
032301WN190

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Brigitte BATHE, et al.

Serial No. : 09/941,945

Filed: August 30, 2001

For : NUCLEOTIDE SEQUENCES CODING FOR THE sigD GENE

Examiner: K. Kerr

Group Art Unit: 1652

RESPONSE TO WRITTEN RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A response to the Office Action dated June 4, 2003 (Paper No. 13) is due on July 7, 2003 (July 4, 2003 being a Federal Holiday and July 5, 2003 being a Saturday). Therefore, please accept this response as timely filed.

As an initial matter, Applicants note this application is part of a series of applications associated with the Bulk Filing Petition now of record in U.S. Patent Application No. 09/954,197.

In response to the Restriction Requirement, as set forth in the Office Action dated June 4, 2003 (Paper No. 13), Applicants hereby elect the following group:

Group II, claims 12-25.

Applicants respectfully request that all of the claims be re-joined and examined with the claims of Group II. A search for the claims in the remaining Groups would not be substantially burdensome after a search for the claims in Group II as all the claims involve the sequence information associated with the sigD gene.

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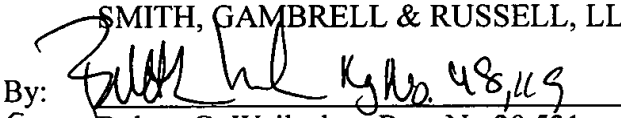
A search for the subject matter in Group II is inextricably intertwined with the subject matter in the claims of the other Groups. Any search for the claims in Group II will necessarily yield the relevant art for consideration and examination of the claims in the other Groups. Hence an extension of the search required for Group II to all the remaining claims would not be overly burdensome. See MPEP 804.

Accordingly, the basis for Restriction is not adequately established; a search for all the claims is not burdensome; and maintaining this Restriction Requirement will impose undue expense on Applicants in prosecuting multiple applications, otherwise examinable together according to U.S. PTO Patent Examining Procedure. In addition, maintaining this Restriction Requirement may result in undue delay in issue of some claims in this Application, resulting in a significant loss in Patent Term to Applicants.

Reconsideration and Rejoinder of all the claims is respectfully requested prior to examination on the merits. This Election is made with traverse, and solely for compliance under 37 C.F.R. § 1.143 in order to preserve pendency in this application.

If any additional fees are due in connection with the filing of this Response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, the Commissioner is authorized to charge SGR Deposit Account No. 02-4300; Order No. 032301.190. Similarly, please credit any overpayment SGR Deposit Account No. 02-4300; Order No. 032301.190.

Respectfully submitted,

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Dated: June 26, 2003
RGW/BLN